

SANITARIANS
Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 119
(Effective November 1, 2017)

TABLE OF CONTENTS

119.1.	Authority	1
119.2.	Definitions.	1
119.3.	Scope of Practice.	2
119.10.	Advisory Committee.....	2
119.11.	Officers.	2
119.12.	Duties.	2
119.13.	Terms; Vacancies.	3
119.14.	Meetings.	3
119.15.	Reimbursement.	3
119.20.	Eligibility Requirements.	3
119.21.	Registration Requirements.	3
119.23.	Educational Requirements.	5
119.24.	Examination for Registration.	8
119.26.	Registration Renewal.....	8
119.27.	Continuing Education Requirements.	9
119.70.	Standards of Conduct.....	11
119.80.	Fees.....	11
119.90.	Administrative Penalties and Sanctions.....	12
119.95.	Enforcement Authority.	12

119.1. Authority. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

This chapter is promulgated under the authority of the Texas Occupations Code, Chapters 51 and 1953.

119.2. Definitions. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Act--Occupations Code, Chapter 1953, concerning the registration of sanitarians.
- (2) Advanced mathematics--A mathematics course equivalent to or beyond calculus that was taken at an accredited college or university.
- (3) Advisory Committee--The Registered Sanitarian Advisory Committee.
- (4) Applicant--A person who applies for registration under the Act.
- (5) Applied science--The application of general principles from environmental science, agricultural science, public health, epidemiology, food science, medical science, and sanitary engineering to solve problems.
- (6) Basic science--Science such as anatomy, bacteriology, biochemistry, biology, chemistry, geology, microbiology, pathology, physiology, and physics.
- (7) Consumer health--The application of scientific knowledge to recognize, evaluate, and control hazards associated with the distribution of contaminated, adulterated, unsafe, and misbranded foods, drugs, medical devices, cosmetics, toys, or consumer products.
- (8) Continuing education hour--Fifty minutes of continuing education training or experience, applicable to consumer health, environmental health or sanitation, and pre-approved by the department or its designee.
- (9) Commission--The Texas Commission of Licensing and Regulation.
- (10) Department--The Texas Department of Licensing and Regulation.
- (11) Environmental health or sanitation--The application of scientific knowledge to recognize, evaluate, and control environmental hazards and to preserve and improve environmental factors for the achievement of the health, safety, comfort, and well-being of humans, to include disaster preparedness and response to suspected or known acts of bioterrorism.
- (12) Executive Director--The executive director of the Texas Department of Licensing and Regulation.
- (13) Experience--Two years of full-time experience in the fields of consumer health, environmental health, or sanitation.
- (14) Full-time experience--Employment, self-employment, or independent contracting for thirty-two hours or more per week in the practice of consumer health, environmental health, or sanitation.
- (15) Natural science--Branches of science such as physics, chemistry, and biology that deal with matter, energy, and their interrelations and transformations, or with objectively measurable phenomena.
- (16) Registered sanitarian--A department-registered public health professional qualified by specific education, specialized training, and field experience to protect the health, safety, and general welfare of the public from adverse environmental determinants.

- (17) Registrant--A person registered under the Act.
- (18) Sanitarian in training--A person registered in accordance with §119.21(b).

119.3. Scope of Practice. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) This chapter implements Occupations Code, Chapter 1953, which requires the Texas Commission of Licensing and Regulation to adopt rules to implement a program for the registration of sanitarians.
- (b) These sections apply to persons whose duties in consumer health require the application of scientific knowledge to recognize, evaluate, and control hazards associated with the distribution of contaminated, adulterated, unsafe and misbranded foods, drugs, medical devices, and cosmetics and to persons whose duties in environmental health or sanitation require the application of scientific knowledge to recognize, evaluate, and control environmental hazards and to preserve and improve environmental factors for the achievement of the health, safety, comfort, and well-being of humans.

119.10. Advisory Committee. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

- (a) The commission may establish an advisory committee to provide advice and recommendations to the department on technical matters relevant to the administration of this chapter. The name of the advisory committee shall be the Registered Sanitarian Advisory Committee.
- (b) The advisory committee is subject to the Government Code, Chapter 2110, concerning state agency advisory boards.
- (c) The advisory committee shall be composed of nine members appointed by the presiding officer of the commission. The composition of the committee shall include:
 - (1) five registered sanitarians;
 - (2) one professional engineer, or one on-site sewage facility (OSSF) professional who is not and has never been registered as a sanitarian in Texas;
 - (3) two consumers, one of which must be a member of an industry or occupation which is regulated either by a city or county environmental health unit or department or equivalent, or by the Department of State Health Services; and
 - (4) one person involved in education in the field of public, consumer, or environmental health sciences.

119.11. Officers. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

- (a) The presiding officer of the commission shall, with the approval of the commission, designate a member of the advisory committee as the presiding officer of the committee to serve for a term of two years.
- (b) The presiding officer of the advisory committee shall preside at all committee meetings at which he or she is in attendance. The presiding officer of the advisory committee may vote on any matter before the committee.

119.12. Duties. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

The advisory committee shall provide advice and recommendations to the department on technical matters relevant to the administration of the Act and this chapter.

119.13. Terms; Vacancies. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

- (a) Members of the advisory committee shall serve staggered six-year terms so that the terms of three members will expire on February 1 of each odd-numbered year.
- (b) Members shall serve after expiration of their term until a replacement is appointed.
- (c) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.
- (d) A member of the advisory committee may be removed from the committee pursuant to Texas Occupations Code §51.209.

119.14. Meetings. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

- (a) The advisory committee shall meet at the call of the presiding officer of the commission or the executive director.
- (b) A quorum of the advisory committee is necessary to conduct official business.
- (c) Committee action shall require a majority vote of those members present and voting.

119.15. Reimbursement. *(New Section adopted effective September 15, 2017, 42 TexReg 4643)*

- (a) An advisory committee member serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a committee member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.
- (b) Expense reimbursements to advisory committee members:
 - (1) are limited to authorized expenses incurred while traveling to and from committee meetings; and
 - (2) must be limited to those allowed by the State of Texas Travel Allowance Guide, the department's policies governing employee travel allowances, and the General Appropriations Act.
- (c) Expenses may be reimbursed to advisory committee members only when the legislature has specifically appropriated money for that purpose, and only to the extent of the appropriation.

119.20. Eligibility Requirements. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

An applicant for registration must submit all required information on department-approved forms and provide:

- (1) an official transcript from an accredited college or university showing graduation with a bachelor's degree that included 30 semester hours or its equivalent in a basic or applied science;
- (2) proof of certification by the National Environmental Health Association (NEHA) as a Registered Environmental Health Specialist/Registered Sanitarian (if certified); and
- (3) the required fee.

119.21. Registration Requirements. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) To be eligible for registration as a sanitarian, an applicant must:
 - (1) possess a bachelor's degree from an accredited college or university including at least thirty (30)

- semester hours or its equivalent in a basic or applied science;
- (2) possess at least two years of full-time experience in the fields of consumer health, environmental health, or sanitation. Regularly assigned duties must have included consumer health, environmental health, or sanitation. The applicant need not have had the title "sanitarian" or "sanitarian in training". The duties may include the following:
 - (A) regulatory inspections or evaluations of retail food establishments; retail grocery stores; food warehousing facilities; food manufacturing facilities; food service at special events; mobile food service vehicles and facilities; producer dairy farms; dairy product manufacturing facilities; frozen dessert manufacturing facilities; on-site sewage facilities; asbestos abatement processes; mass gathering events; industrial pretreatment processes (sewage); municipal sewage facilities and wastewater plants; public and semi-public swimming pools; child care facilities; long term care facilities; hospitals; correctional facilities; public and private schools; youth camps; and recreational areas for children; radiation hazards, including lasers and microwaves; and private and public water systems;
 - (B) site evaluation and design of on-site sewage system facilities as specified in Texas Commission on Environmental Quality rules;
 - (C) Hazard Analysis and Critical Control Point (HACCP) systems or processes;
 - (D) investigation of food borne illnesses; water borne illnesses; vector borne illnesses; zoonotic illnesses; food product contamination or adulteration; the environmental conditions surrounding reported elevated blood lead in children and adults; consumer, governmental agency or industry complaints; and animal bites;
 - (E) performance of vector control activities related to mosquitoes, flies and rodents; environmental assessments; code enforcement activities; and food handler or certified food service manager training;
 - (F) first responder to hazardous material spills and incidents; and natural and man-made disasters; or
 - (G) regulatory review of plans and specifications for food establishments; plans and specifications for public, semi-public and private swimming pools; and plans and specifications for on-site sewage systems facilities;
 - (3) pass the registration examination;
 - (4) submit the completed department-approved application;
 - (5) submit the required fees; and
 - (6) successfully pass a criminal history background check performed by the department.
- (b) To be eligible for registration as a sanitarian in training, an applicant must:
- (1) possess a bachelor's degree from an accredited college or university including at least thirty (30) semester hours or its equivalent in a basic or applied science;
 - (2) pass the registration examination;
 - (3) submit the completed department-approved application;

- (4) submit the required fees; and
- (5) successfully pass a criminal history background check performed by the department.
- (c) A registered sanitarian in training who has obtained the necessary experience to qualify as a sanitarian may file an application to upgrade a registration to that of sanitarian. Upon payment of the required upgrade fee and approval by the department, the applicant shall be granted registration as a sanitarian.

119.23. Educational Requirements. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) Courses acceptable to meet the initial educational requirements for examination as a sanitarian or sanitarian in training include the following:
 - (1) air pollution;
 - (2) anatomy;
 - (3) animal science;
 - (4) bacteriology;
 - (5) biochemistry;
 - (6) biology;
 - (7) biomedical science;
 - (8) biophysics;
 - (9) biostatistics;
 - (10) botany;
 - (11) cell physiology;
 - (12) chemical engineering;
 - (13) chemistry;
 - (14) community health;
 - (15) computer science;
 - (16) dairy science;
 - (17) ecology;
 - (18) embryology;
 - (19) entomology;
 - (20) environmental health;
 - (21) environmental science;
 - (22) environmental diseases;

- (23) environmental law;
- (24) epidemiology;
- (25) food bacteriology;
- (26) food science;
- (27) food technology;
- (28) genetics;
- (29) geophysics;
- (30) geology;
- (31) hazardous waste;
- (32) histology;
- (33) hydrogeology;
- (34) hydrology;
- (35) industrial hygiene;
- (36) infectious diseases;
- (37) limnology;
- (38) mathematics;
- (39) courses taken in an accredited allopathic or osteopathic school of medicine;
- (40) meteorology;
- (41) microbiology;
- (42) molecular biology;
- (43) occupational health;
- (44) occupational safety;
- (45) parasitology;
- (46) pathology;
- (47) physics;
- (48) physiology;
- (49) plant taxonomy;
- (50) public health;

- (51) public health education;
 - (52) public health law;
 - (53) radiological health;
 - (54) sanitary engineering;
 - (55) soil science;
 - (56) statistics;
 - (57) toxicology;
 - (58) vector control;
 - (59) veterinary medical courses;
 - (60) veterinary public health;
 - (61) virology;
 - (62) wastewater treatment;
 - (63) water quality; or
 - (64) zoology.
- (b) The courses may be offered by any academic department so long as the course is acceptable.
- (c) No more than six semester hours or its equivalent will be acceptable for courses in:
- (1) biophysics;
 - (2) computer science;
 - (3) embryology;
 - (4) mathematics beyond algebra;
 - (5) accredited allopathic or osteopathic courses;
 - (6) meteorology;
 - (7) physics;
 - (8) public health education;
 - (9) statistics; and
 - (10) veterinary medical courses.
- (d) Courses considered not acceptable are:
- (1) anthropology;

- (2) archaeology;
 - (3) astronomy;
 - (4) education;
 - (5) geography;
 - (6) government;
 - (7) history;
 - (8) kinesiology;
 - (9) languages;
 - (10) physical education;
 - (11) psychology; and
 - (12) sociology.
- (e) Courses not listed may be submitted for consideration for acceptance by the department.

119.24. Examination for Registration. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) The department shall review all applications prior to the examination. An applicant who meets the education and experience requirements shall be approved to take the examination.
- (b) An applicant meeting the requirements for qualifications for registration as a sanitarian or a sanitarian in training who is not currently certified by the National Environmental Health Association (NEHA) as a Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS) shall be approved to take the exam.
- (c) The examination shall consist of a written examination prescribed by the department under the supervision of a person or agency designated by the department.
- (d) The examination may be administered and graded by:
 - (1) the department or the department's designee; or
 - (2) the National Environmental Health Association (NEHA) or designee as a part of the certification process for the REHS/RS.
- (e) The department or its designee shall notify each applicant of the results of the examination within thirty (30) days of the date of the examination.
- (f) A person taking an examination must comply with the department's examination requirements under Chapter 60, Subchapter E of this title.

119.26. Registration Renewal. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) A registration issued under this chapter expires two years from the date of issuance.
- (b) To renew a registration, an applicant must:

- (1) submit a completed department-approved renewal application;
 - (2) complete the continuing education requirement in §119.27;
 - (3) submit the required fees; and
 - (4) successfully pass a criminal history background check performed by the department.
- (c) A registrant must renew the registration every two years, as determined by the department. A sanitarian in training may only renew the registration once, for a total of four years.
- (d) Each registrant is responsible for renewing the registration before the expiration date and shall not be excused from paying the renewal fee. Failure to receive notification from the department prior to the expiration date of the registration will not excuse the sanitarian from renewing.
- (e) **Registration Expiration.** A person whose registration has expired may not claim to be a sanitarian or sanitarian in training or use the titles "sanitarian" or "sanitarian in training".

119.27. Continuing Education Requirements. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) A registered sanitarian must obtain and show proof of 24 continuing education hours related to the field of consumer health, environmental health, or sanitation taken within the 24 months preceding renewal for a registration issued for a two-year term.
- (b) Only the following continuing education activities shall serve as a basis for registration renewal:
- (1) approved by the department or its designee in accordance with this section; or
 - (2) approved by another professional regulatory agency in Texas as acceptable continuing education for registration renewal.
- (c) Acceptable continuing education must be provided by one of the following types of sponsors:
- (1) a governmental agency;
 - (2) an accredited college or university;
 - (3) an association with a membership of 25 or more persons; or
 - (4) a pre-approved commercial education business.
- (d) Government agencies, non-profit organizations, and accredited colleges and universities are pre-approved as sponsors for continuing education when the activity is conducted or sponsored in compliance with these rules and is directly related to environmental health, consumer health, or sanitation.
- (e) Continuing education activities conducted by approved sponsors must meet the following criteria:
- (1) the activity must have significant educational or practical content to maintain appropriate levels of competency;
 - (2) the activity must have a record keeping procedure provided by the sponsor which includes a register of who took the course and the number of continuing education hours earned;
 - (3) the sponsor must include procedures for verifying participant attendance as well as comprehension of subject matter presented. These procedures may include, but are not limited to, examinations,

- post-activity questionnaires, field demonstrations, in-class workbooks or handout materials, and/or question and answer periods to assure participant understanding of the subject matter;
- (4) the activity must be at least 50 minutes in length of actual instruction time. No credit will be given for time used to promote the sponsor or other non-relevant activities; and
 - (5) the sponsor must ensure the activity complies with all applicable federal and state laws, including the Americans with Disabilities Act (ADA) requirements for access to activities.
- (f) Acceptable continuing education activities in consumer health, environmental health, or sanitation include the following:
- (1) conferences;
 - (2) home-study training modules (including professional journals requiring successful completion of a test document);
 - (3) lectures;
 - (4) panel discussions;
 - (5) seminars;
 - (6) accredited college or university courses;
 - (7) video or film presentations with live instruction;
 - (8) field demonstrations;
 - (9) teleconferences;
 - (10) online training; or
 - (11) other activities approved by the department.
- (g) Sponsors must ensure that all continuing education instructors have one of the following credentials or hold one of the following positions:
- (1) certification as a registered sanitarian by the department;
 - (2) instructor at the Texas Engineering Extension Service;
 - (3) faculty member at an accredited college or university;
 - (4) employee of the department or the Department of State Health Services; or
 - (5) teaching or work experience determined by the sponsor to be sufficient.
- (h) To obtain department approval to provide approved continuing education, the sponsor must submit:
- (1) a completed application on department forms;
 - (2) the fee prescribed in §119.80; and
 - (3) any additional information or material requested by the department.

- (i) Each approved continuing education sponsor shall be approved for one year from the date of approval. Sponsors who wish to continue approval should submit a sponsor approval form and prescribed fee.
- (j) Sponsors of approved continuing education activities shall:
 - (1) at the conclusion of the activity, distribute to those registered sanitarians who have successfully completed the activity a certificate of completion which shall include the name of the sponsor, the date and name of the activity, and the continuing education hours earned; and
 - (2) maintain a copy of the register for five years and provide it to the department upon request.
- (k) Each registered sanitarian shall collect and keep certificates of completion from all courses completed. These certificates of completion will be used to document a registered sanitarian's attendance at approved courses. Transcripts showing coursework in environmental or consumer health from an accredited college or university, or written verification of hours approved by the National Environmental Health Association (NEHA) will also be accepted. The department will conduct random audits for compliance with this requirement.

119.70. Standards of Conduct. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) A registrant shall not use advertising that is false, misleading, or deceptive, or advertising that is not readily subject to verification, including advertising that:
 - (1) makes a material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading;
 - (2) makes a customer or client likely to create an unjustified expectation about the results of a service or procedure;
 - (3) compares a professional's service with another professional's services unless the comparison can be factually substantiated;
 - (4) causes confusion or misunderstanding as to the credentials, education, or registration of a professional; or
 - (5) advertises or represents in the use of a professional name, title, or professional identification that is expressly or commonly reserved to or used by another profession or professional.
- (b) A registrant shall notify each client of the name, mailing address, website, and telephone number of the department for the purpose of directing complaints to the department by providing notification:
 - (1) on each written contract for services of a registrant;
 - (2) on a sign prominently displayed in the primary place of business of each registrant; or
 - (3) in a bill for services provided by a registrant to a client or third party.

119.80. Fees. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

- (a) All fees submitted to the department are nonrefundable.
- (b) The schedule of fees is as follows:
 - (1) Initial fee for application and registration:
 - (A) sanitarian in training--\$120;

- (B) registered sanitarian--\$130.
- (2) Registration renewal fee:
 - (A) sanitarian in training--\$100;
 - (B) registered sanitarian--\$110.
- (3) Fee to upgrade from a sanitarian in training to a sanitarian--\$25.
- (4) A duplicate/replacement fee for registration certificate--\$25.
- (5) Continuing education sponsor approval fee--\$100 per sponsor. Pre-approved providers are exempt from this fee.
- (6) Late renewal fees for registrations issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).
- (7) A dishonored/returned check or payment fee is the fee prescribed under §60.82 of this title (relating to Dishonored Payment Device).
- (8) The fee for a criminal history evaluation letter is the fee prescribed under §60.42 of this title (relating to Criminal History Evaluation Letters).

119.90. Administrative Penalties and Sanctions. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

If a person or entity violates any provision of the Texas Occupations Code, Chapters 51 or 1953, this chapter, or any rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Occupations Code, Chapter 51 and 1953 and any associated rules.

119.95. Enforcement Authority. *(New Section adopted effective November 1, 2017, 42 TexReg 4643)*

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 1953 and any associated rules may be used to enforce Texas Occupations Code, Chapters 51, 1953, and this chapter.